

**United States Bankruptcy Court
Central District of California
San Fernando Valley
Victoria Kaufman, Presiding
Courtroom 301 Calendar**

Wednesday, June 1, 2022

Hearing Room 301

1:30 PM

1: -

Chapter

#0.00 Unless other arrangements have been made in advance with the Court, all appearances for this calendar will be via Zoom and not via Court Call. [See Judge Kaufman's posted procedures titled "phone/video appearances" on the Court's webpage.]
All parties participating in these hearings may connect from the zoom link listed below. This service is free of charge. You may participate using a computer or telephone.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Join CACB ZoomGov Meeting

Video/audio web address: <https://cacb.zoomgov.com/j/1615700060>

Meeting ID: 161 570 0060

Password: 839039

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Telephone conference lines: 1-669-254-5252 OR 1-646-828-7666

Meeting ID: 161 570 0060

Password: 839039

For more information on appearing before Judge Kaufman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-victoria-s-kaufman> under the tab "Telephonic Instructions."

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CONT...

Chapter

Docket 0

Tentative Ruling:

- NONE LISTED -

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1:11-11603 Kevan Harry Gilman

Chapter 7

Adv#: 1:22-01014 Phillips et al v. Goldman

**#1.00 Defendant's Motion to Dismiss Complaint Pursuant to
Federal Rule Of Civil Procedure 12(b)(6)**

Docket 12

Tentative Ruling:

Grant motion to dismiss, with prejudice.

Pursuant to California Code of Civil Procedure § 343, plaintiffs' cause of action for breach of fiduciary duty is time-barred.

In addition, the chapter 7 trustee has quasi-judicial immunity for any negligence with respect to her identified discretionary acts (and decisions to refrain from taking action), and the plaintiffs have not adequately plead in their complaint that the chapter 7 trustee committed acts of gross negligence.

On February 17, 2022, the plaintiffs filed the Complaint for Breach of Fiduciary Duty ("Complaint") against the chapter 7 trustee. As set forth in the Complaint, more than four years before filing the Complaint, the plaintiffs had notice of the chapter 7 trustee's report of no distribution. That report: (1) stated that the chapter 7 trustee had "made a diligent inquiry into the financial affairs of the debtor(s) and the location of property belonging to the estate" and that "there is no property available for distribution from the estate over and above that exempted at law;" (2) certified, pursuant to Fed. R. Bankr. P. 5009, that the estate had been fully administered; and (3) requested that the chapter 7 trustee be discharged from any further duties as trustee.

As also stated in the Complaint, on January 12, 2016, the plaintiffs sent the chapter 7 trustee a letter "reminding" her that the debtor's claim to an enhanced homestead exemption, based on disability, was rejected, that the debtor "had stolen funds from the bankruptcy estate" and that the debtor and his wife were renting real property of the estate.

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CONT... Kevan Harry Gilman

Chapter 7

Although the chapter 7 trustee took no action in response to that letter from the plaintiffs, or the notice provided by the Court in November 2016 that the debtor was denied a discharge, the plaintiffs did not file the Complaint until more than four years after sending their January 12, 2016 letter to the chapter 7 trustee.

The movant must submit the order within seven (7) days.

Party Information

Debtor(s):

Kevan Harry Gilman

Represented By
Mark E Ellis

Defendant(s):

Amy L. Goldman

Represented By
Aviram Edward Muhtar

Movant(s):

Amy L. Goldman

Represented By
Aviram Edward Muhtar

Amy L Goldman (TR)

Represented By
Aviram Edward Muhtar

Plaintiff(s):

Tammy R. Phillips

Represented By
Charles Q Jakob

Tammy R. Phillips, a Prof. Law

Represented By
Charles Q Jakob

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A. Friedman

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1:11-11603 Kevan Harry Gilman

Chapter 7

Adv#: 1:22-01014 Phillips et al v. Goldman

#2.00 Status conference re: complaint

fr. 4/20/22(stip); 5/11/22

Docket 1

Tentative Ruling:

See calendar no. 1.

Party Information

Debtor(s):

Kevan Harry Gilman

Represented By
Mark E Ellis

Defendant(s):

Amy L. Goldman

Pro Se

Plaintiff(s):

Tammy R. Phillips

Represented By
Charles Q Jakob

Tammy R. Phillips, a Prof. Law

Represented By
Charles Q Jakob

Trustee(s):

Amy L Goldman (TR)

Represented By
Anthony A. Friedman